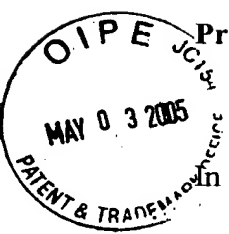


5-04-05

AFI 3764 \$



Practitioner's Docket No.: 100\_007 CIP-RCE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Dwayne Lacey

Ser. No.: 09/935,297

Art Unit: 3764

Filed: August 22, 2001

Examiner: Danton D. DeMille

For: HEAD MASSAGING DEVICE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on May 3, 2005 under "EXPRESS MAIL" mailing label number **EV 40699 2804 US**.

*Janet M. Stevens*  
Janet M. Stevens

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. 1.97(d)

TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after*:

- (1) a final action under § 1.113,
- (2) a notice of allowance under § 1.311, or
- (3) an Office Action that closes prosecution ,

but before, or simultaneously with, the payment of the issue fee.

STATEMENT AND FEE

2. In accordance with the requirements of 37 C.F.R. 1.97(d):

- A. Accompanying this transmittal is a statement, as specified in 37 C.F.R. 1.97(e).
- B. Applicant(s) submit(s) the submission fee set forth in § 1.17(p) (\$180.00).

**METHOD OF PAYMENT OF FEE**

3. ☒ Attached is a check in the amount of \$180.00.  
☐ Charge Account 50-1446 in the amount of \_\_\_\_\_.  
A duplicate of this paper is attached.

If any additional fees are due, please charge Deposit Account 50-1446.

Respectfully submitted,



\_\_\_\_\_  
Kevin C. Brown  
Reg. No. 32,402

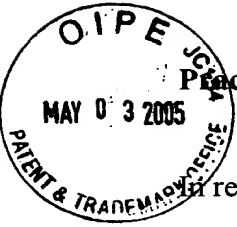
May 3, 2005

Date

KCB:jms

BURR & BROWN  
P.O. Box 7068  
Syracuse, NY 13261-7068

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Facsimile: (315) 233-8320



Practitioner's Docket No.: 100\_007 CIP-RCE

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: Dwayne Lacey

Serial No.: 09/935,297

Art Unit: 3764

Filed: August 22, 2001

Examiner: Danton D. DeMille

Confirmation No.: 9672

For: HEAD MASSAGING DEVICE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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*Janet M. Stevens*  
Janet M. Stevens

**CERTIFICATION UNDER 37 C.F.R. § 1.97(e)**

Sir:

[ ] Each item of information contained in the Information Disclosure Statement filed herewith was *first* cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

OR

[X] No item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

May 3, 2005

Date

*Kevin C. Brown*

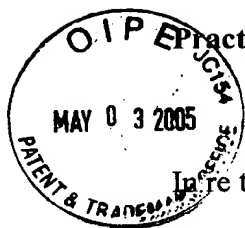
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Practitioner's Docket No.: 100\_007 CIP-RCE

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Dwayne Lacey

Ser. No.: 09/935,297

Art Unit: 3764

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Examiner: Danton D. DeMille

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*Janet M. Stevens*  
Janet M. Stevens

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference listed on the attached Form PTO-1449.

Reference AT was cited in an Office Action which issued in the Reexamination of U.S. Patent No. 6,309,365 (Reexamination Control No. 90/007,094), which was granted on the parent of the above-identified application.

The above information is presented so that the Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that this reference be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



Kevin C. Brown  
Reg. No. 32,402

May 3, 2005  
Date

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Form PTO-1449

US DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

MAY 03 2005

(use as many sheets as necessary)

1

of

1

*Complete if Known***Application Number**

09/935,297

**Filing Date**

August 22, 2001

**First Named Inventor**

Dwayne Lacey

**Art Unit**

3764

**Examiner Name**

Danton D. DeMille

**Confirmation No.**

9672

**Attorney Docket No.**

100\_007 CIP-RCE

**U.S. PATENT DOCUMENTS**

Exam. Initial		Document Number	Date	Name	Our Docket No.	Class	Sub Class	Filing Date
	AT	4,722,111	02/02/1988	Brodey et al.				

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Sub Class	Translation	Abstract

**OTHER DOCUMENTS**

(Including Author, Title, Date, Pertinent Pages etc.)


Examiner:		Date Considered:	
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*In accordance with the Notice dated July 11, 2003 on the PTO website, we are not enclosing copies of any of the above U.S. references.